

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

Robert Crawford of Sherman, Maine)
)
**Joseph Shorette of Millinocket,
Maine,**)
)
)
Plaintiffs,)
)
)
)
vs.) **CASE NO. 3:10-00628**
) **JUDGE CAMPBELL/KNOWLES**
)
**PACE Industry Union-Management
Pension Fund (PIUMPF) of Nashville,
Tennessee,**)
)
Defendant.)

REPORT AND RECOMMENDATION

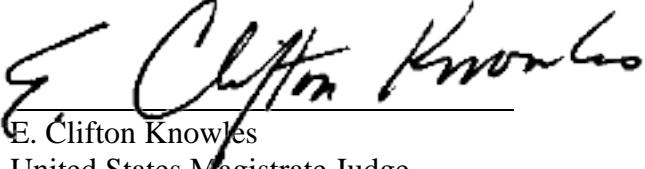
This matter is before the Court upon Defendants' "Motion to Dismiss" (Docket No. 30) and Plaintiffs' "Motion for Summary Judgment" (Docket No. 37), which Judge Campbell has referred to the undersigned for Reports and Recommendations (Docket No. 40).

After the instant Motions were filed, and after Judge Campbell's referral, Plaintiffs filed a Motion to Amend Complaint (Docket No. 49), which the undersigned granted (Docket No. 58).

In view of the filing of the Amended Complaint, Defendants' Motion to Dismiss and Plaintiffs' Motion for Summary Judgment should be DENIED AS MOOT, and the parties should be granted leave to file appropriate Motions with regard to the Amended Complaint.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have

fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
E. Clifton Knowles
United States Magistrate Judge